

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

FRANCESCA GINO,

Plaintiff,

V.

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE, SRIKANT DATAR,
JOHN DOES 1-10, AND JANE DOES 1-10,

Defendants.

Case No. 1:23-cv-11775-MJJ

MOTION FOR LEAVE TO FILE SECOND AMENDED ANSWER
AND COUNTERCLAIM OF DEFENDANT PRESIDENT AND FELLOWS OF
HARVARD COLLEGE

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, Defendant President and Fellows of Harvard College (“Harvard”) moves for leave to file a Second Amended Answer and Counterclaim, attached as Exhibit 1 to the concurrently filed Declaration of Jenny K. Cooper in support of this Motion, to assert a counterclaim against Plaintiff Francesca Gino (“Plaintiff”) for defamation arising out of her knowingly false public statements that Harvard overlooked a key dataset at issue while investigating the research misconduct allegations against her. The grounds for this Motion are set forth within the accompanying Memorandum of Law in Support of Harvard’s Motion for Leave to File Second Amended Answer and Counterclaim.

WHEREFORE, Harvard respectfully requests that the Court grant this Motion for Leave to File its Second Amended Answer and Counterclaim.

Dated: July 7, 2025

Respectfully submitted,

/s/ Douglas E. Brayley

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CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel hereby certifies that counsel for Harvard has conferred with counsel for Plaintiff concerning the subject matter of this Motion in an effort to resolve or narrow the issues raised herein. Although counsel for Plaintiff indicated that Plaintiff opposes the Motion at this time, counsel for Plaintiff also indicated that there may be subsequent filings in this case that could cause Plaintiff to assent to this Motion and/or allow it to be withdrawn.

Dated: July 7, 2025

/s/ Douglas E. Brayley
Douglas E. Brayley

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2025, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: July 7, 2025

/s/ Douglas E. Brayley
Douglas E. Brayley